IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.80/1987

Mst. Chanda Wife of Rehman & Others
...defendant-appellants
Versus
Ramcharanlal S/o Chauthilal & Another
...plaintiff-respondents

Date of Order ::: 16.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri M.K. Jain, and
Shri Praveen Mandhana, Counsel for defendant-appellants
Shri Shafi Mohammad, defendant-appellant no.1/2, present-in-person
Shri J.P. Goyal, Counsel for plaintiff-respondents
Shri Brijesh Kumar Garg S/o plaintiff-respondent no.2 Gopal Prasad and Grandson of plaintiff-respondent no.1 Ramcharanlal, present in person

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By the Court (Oral):-

Heard learned counsel for the parties.

The plaintiff-respondents filed a suit for eviction in respect of rented premises on the ground of personal bona-fide necessity as well as default in making the payment of rent. The learned lower court i.e. the Additional Munsiff & Judicial Magistrate 1st Class, Karauli, vide its judgment dated 16.7.1976, dismissed the Suit No.30/1971 filed by the plaintiff. However, on an appeal filed on behalf of the

plaintiff, the Additional District & Sessions Judge, Karauli, vide its judgment and decree dated 19th of May, 1987 in Civil Appeal No.20/1986, set aside the judgment and decree passed by the lower court and decreed the suit of the plaintiff for eviction, on the ground of personal bona-fide necessity. Hence, this second appeal was preferred on behalf of the defendants.

This Court admitted the second appeal on 16.9.1987 and formulated the substantial questions of law including one question relating to partial eviction of the rented premises. Thereafter, this court vide order dated 8.1.1998 remitted the matter to the first appellate court to record evidence and finding in respect of partial eviction. Thereafter the first appellate court, vide its judgment dated 15.7.1998, recorded a finding in respect of partial eviction of the rented premises and partially decreed the suit of the plaintiff as per details mentioned in Para 9 of the judgment dated 15.7.1998.

During the course of arguments, the learned counsel for both the parties have filed an application today in the court itself for deciding the appeal on the basis of compromise. They have prepared a plan of the rented premises and they have agreed that the premises, marked as 'XYZ' and shown in green colour in the map annexed with the application for compromise, will be handed-over by the defendant-appellants to plaintiff-landlord within a period of one month and the remaining portion of the rented premises, marked as 'ABC' and shown in red colour of the map annexed

with the application for compromise, will remain with the defendant-appellants. The application is duly signed by defendant-appellant no.1/2 Shafi Mohammad, who is present in the court and has been identified by his counsel Shri Praveen Mandhana, and Brijesh Kumar Garg Son of plaintiff-respondent no.2 Govind Prasad and Grandson of plaintiff-respondent no.1 Ramcharanlal, who is present in the court and has been identified by his counsel Shri J.P. Goyal. Both the parties have understood the contents of the compromise. The compromise-application is also signed by both the learned counsel for both the parties.

In view of the above, the second appeal is disposed of in terms of the compromise-application dated 16.11.2006. The compromise-application as well as map, annexed therewith, will form part of this judgment as well as decree. The judgment and decree passed by the first appellate court stand modified.

There will be no order as to costs.

(Narendra Kumar Jain) J.

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